

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

CASSIDY ESSLINGER as Administrator)	
of the Estate of SONYA ANN)	
ESSLINGER,)	Civil Action No.:
)	
Plaintiff,)	
)	<i>Electronically Filed</i>
v.)	
)	
DANDEE INTERNATIONAL, LIMITED;)	
MTY INTERNATIONAL, LTD.; and)	
WALMART, INC. also known as)	
WALMART STORES, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart, Inc a/k/a Walmart Stores, Inc., asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about December 5, 2018 in the Court of Common Pleas of Warren County, Pennsylvania, against the above-referenced Defendants. (A true and correct copy of the Complaint is attached hereto as Exhibit "A".)

2. Defendant Wal-Mart, Inc. a/k/a Walmart Stores, Inc. is a foreign corporation formed in Delaware with a principle place of business in Bentonville, Arkansas.

3. Defendant DanDee International, Limited, is believed to be a legal entity duly organized under the laws of the state of New Jersey and with a principle place of business located in the State of New Jersey. See Complaint ¶2.

4. Defendant MTY International, LTD, is believed to be a legal entity organized under the laws of China with a principal place of business in the People's Republic of China. See Complaint ¶3.

5. Plaintiff served Defendant Wal-Mart, Inc. a/k/a Walmart Stores, Inc. with a copy of the Complaint on December 18, 2018 via a process server. (See Affidavit of Service attached hereto as Exhibit "B".)

6. It is believed and therefore averred that all other Defendants in this matter have yet to be served. (See docket entries attached hereto as Exhibit "C".)

7. The above filings represent all of the pleadings filed in the case to date.

8. Defendant Wal-Mart, Inc. a/k/a Walmart Stores, Inc. believes that at the time this action was initially commenced, and at the current time, Plaintiff was a resident of Warren County, Pennsylvania. (Ex. A, ¶ 1.)

9. The Complaint seeks an award in excess of the arbitration limits of Warren County, but no specific sum is demanded in the Complaint.

10. Plaintiff asserts various product liability claims and asserts that said claims resulted in the death of Sonya Esslinger and seeks damages for conscious pain and suffering, hospital, medical, and burial expenses, severe emotional and psychological loss as well as loss of services, society and support. See Complaint ¶¶ 83-88, 90-91. Based on these allegations, Defendant Wal-Mart, Inc. a/k/a Wal-Mart Stores, Inc. believes that the case or controversy in this matter is in in excess of \$75,000.00.

11. This Notice of Removal is filed within thirty (30) days of the date Defendant Wal-Mart, Inc. a/k/a Wal-Mart Stores, Inc. was served with a copy of Plaintiff's Complaint, on December 18, 2018, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiff on December 5, 2018, by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

12. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant Wal-Mart, Inc. a/k/a Wal-Mart Stores, Inc. requests that this action now pending in the Court of Common Pleas of Warren County at No. 560-2018 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

THOMAS, THOMAS & HAFFER LLP

Date: 1-17-2019 BY: /s/ Rebecca Sember Izsak
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Wal-Mart Stores, Inc.***